

REMARKS**I. Status of the Claims**

Claims 1-18 are all the claims currently pending in the application.

By this Amendment, claims 4-5 and 13-14 have been amended. In addition, the title of the invention has been amended. No new matter has been introduced by this Amendment. Thus, entry and consideration of this Amendment are respectfully requested.

II. Response To Specification Objections:

The Examiner has objected to the title of the invention as not being descriptive. The Applicants appreciate the Examiner's suggestions for amending the title. The Applicants have amended the title of the invention to more particularly point out that the present invention is directed to apparatus and method for the exposure control of a photographing device. Thus, reconsideration and withdrawal of the objection are respectfully requested.

III. Response To Claim Objections:

Claims 4-6 and 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form to include all of the limitations of the base claim and any intervening claims. Accordingly, the Applicant has rewritten claims 4-5 and 13-14 in independent form to include the allowable subject matter indicated by the Examiner in the Office Action mailed on May 5, 2005. Thus, claims 4-6 and 13-15, are believed to be allowable without further comment. Accordingly, withdrawal of the objections and allowance of the claims are respectfully requested.

IV. Response to Claim Rejections Under 35 U.S.C. §102:

Claims 1-3, 7-12 and 16-18 stand rejected under 35 U.S.C. §102(e) as being anticipated by Saeki (U.S. Pat. No. 6,831,696, hereafter Saeki). The Applicant traverses the above rejections for the following reasons.

The present invention, as recited in claims 1 and 10, is directed to an apparatus and method for exposure control of a photographing device that includes first and second exposure control modes. In particular, the second exposure control mode determines an exposure control value by performing exposure control operations using *a plurality of preset exposure values*. Support for this feature can be found on page 7, lines 5-23 of the specification.

The Examiner relies on Saeki at col. 4, lines 20-30 for disclosing “the second exposure control mode” of the present invention. In the Office Action, the Examiner points out that, in Saeki, the exposure target Y_r is set to a prescribed value r and is variable, which would anticipate the present invention. However, there appears to be a distinct difference between the “second exposure control mode” of the present invention and the determination of “ Y_r ” in Saeki. Based on a close reading of Saeki, it does not appear that the value of Y_r is determined based on *preset exposure values*. Instead, the value Y_r is dependent on a comparison between the luminance values a_2 - a_1 and a threshold value Z (see col. 4, lines 21-26).

Based on the foregoing, independent claims 1 and 10 are believed to be distinguishable over Saeki. Likewise, dependent claims 2-9 and 11-18 are also believed to be distinguishable over Saeki based on their respective dependencies from claims 1 and 10.

CONCLUSION

Based on the foregoing amendments and remarks, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims and allowance of this application.

AUTHORIZATION

The Commissioner is hereby authorized to charge any additional fees which may be required for consideration of this Amendment to Deposit Account No. 13-4503, Order No. 1232-4814.

In the event that an extension of time is required, or which may be required in addition to that requested in a petition for an extension of time, the Commissioner is requested to grant a petition for that extension of time which is required to make this response timely and is hereby authorized to charge any fee for such an extension of time or credit any overpayment for an extension of time to Deposit Account No. 13-4503, Order No. 1232-4814.

Respectfully submitted,
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